



August 10, 1999

Mr. Miles K. Risley
Senior Assistant City Attorney
City of Victoria
P.O. Box 1758
Victoria, Texas 77902-1758

OR99-2240

Dear Mr. Risley:

You have asked whether certain information is subject to required public disclosure under the Public Information Act (the "act"), chapter 552 of the Government Code. Your request was assigned ID# 126499.

The City of Victoria (the "city") received a request for a specified offense report. In response to the request, you submit to this office for review the information at issue. In your letter to this office, you state that you have authorized the release of certain information to the requestor. However, you seek to withhold the submitted information under sections 552.101, 552.103 and 552.108 of the Government Code. We do not reach your claims under sections 552.103 and 552.108, because we believe that the information at issue is made confidential by section 48.101(a) of the Human Resources Code.¹ We have considered the arguments you raise and have reviewed the information submitted.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Chapter 48 of the Human Resources Code provides "for the authority to investigate the abuse, exploitation, or neglect of an elderly or disabled person and to provide protective services to that person." Section 48.101(a) makes confidential

(1) a report of abuse, neglect, or exploitation made under this chapter;

(2) the identity of the person making the report; and


¹The Office of the Attorney General will raise an exception on behalf of a governmental body when necessary to protect third-party interests. *See generally* Open Records Decision Nos. 481 (1987), 480 (1987), 470 (1987).

(3) except as provided by this section, all files, reports, records, communications, and working papers used or developed in an investigation made under this chapter or in providing services as a result of an investigation.

We believe that the information you submitted as responsive to the request is subject to section 48.101(a). None of the exceptions to confidentiality set out in that section appear to make the information available to the requestor here. Therefore, you must withhold the submitted information in its entirety under section 48.101(a) of the Human Resources Code.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink that reads "Sam Haddad". The signature is stylized with a large, looping "S" and a cursive "Haddad".

Sam Haddad
Assistant Attorney General
Open Records Division

SH/nc

Ref.: ID# 126499

encl. Submitted documents

cc: Ms. Connie Vivian
Anderson, Smith, Null, Stofer & Murphree
P.O. Box 1969
Victoria, Texas 77902
(w/o enclosures)